

APPENDIX

FILED

MAR 30 1972

MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-5144

EDWARD LEE McNEIL, *Petitioner,*

v.

DIRECTOR, PATUXENT INSTITUTION

**ON WRIT OF CERTIORARI TO THE COURT OF SPECIAL
APPEALS OF MARYLAND**

**PETITION FOR CERTIORARI FILED JULY 26, 1971
CERTIORARI GRANTED DECEMBER 20, 1971**

INDEX

	Page
Relevant Docket Entries.....	I
Transcript in State v. McNeil, Criminal Court of Baltimore	
City	3
Testimony of Ruby Mae Berry—direct	3
—cross	4
—redirect	8
Jack Moore—direct	9
—cross	11
—redirect	12
Edward Lee McNeil—direct	13
—cross	17
—redirect	20
Ruby Mae Berry (resumed)—by the Court	23
Jerome Johnson—direct	26
—cross	27
—redirect	29
Ruby Mae Berry—recross	31
Sentence	33
Order denying relief under the Uniform Post Conviction Procedure Act, Criminal Court of Baltimore, August 17, 1970	34
Per Curiam denial of application for leave to appeal to Court of Special Appeals of Maryland, filed April 26, 1971	37
Order granting motion for leave to proceed in forma pauperis and granting petition for writ of certiorari	39

RELEVANT DOCKET ENTRIES

Indictments	May 26, 1966
Arraignment and Plead of Not Guilty	June 1, 1966
Verdict	July 13, 1966
Judgment Sentencing Petitioner to Not More than Five Years and Not More than One Year in the Maryland Correctional Institution from May 12, 1966, Sentences to Run Concurrently	July 29, 1966
Order of Court Sending Petitioner to Patuxent Institution for Examination and Evaluation	July 29, 1966
Appeal to Court of Appeals of Maryland	August 29, 1966
Court of Appeals Opinion Affirming Conviction	July 21, 1967
Second Petition under Post Conviction Procedure Act	January 23, 1970
Order Denying Relief and Dismissing Petition under Post Conviction Procedure Act	August 17, 1970
Application for Leave to Appeal to Court of Special Appeals of Maryland	September 17, 1970
Denial of Application for Leave to Appeal to Court of Special Appeals of Maryland	April 26, 1971

STATE OF MARYLAND

VS.

EDWARD LEE McNEIL
Ind. 2392-93-94/1966

IN THE
CRIMINAL COURT
OF
BALTIMORE CITY

Before:

HONORABLE J. HAROLD GRADY, Judge

APPEARANCES

On Behalf of the State:

Robert Sapero, Esquire,
Stanley Cohen, Esquire,
Assistant State's Attorneys

On Behalf of the Defendant:

Frank J. Federico, II, Esquire

Reported by: Doris E. Gaffney,

Official Court Reporter

July 12, 1966

PROCEEDINGS

THE CLERK: Edward Lee McNeil, stand, please. Mr. Federico, in Indictment 2392 the State charges attempted rape, 2393 assault and 2394 assault. On arraignment June 1st, 1966, a plea of not guilty reserving the right of Court or jury trial was entered in each indictment. Your pleas today?

MR. FEDERICO: Not guilty, Court trial.

THE CLERK: As to each?

MR. FEDERICO: As to each indictment.

THE CLERK: Thank you. Have seats.

MR. SAPERO: Ruby Mae Berry.

RUBY MAE BERRY,

a witness produced on call of the State, having first been duly sworn, according to law, was examined and testified as follows:

BAILIFF: State your name and address.

A. Ruby Berry, 103 East 23rd Street.

DIRECT EXAMINATION BY MR. SAPERO:

[3] Q. Mrs. Berry—is it Miss or Mrs?—

A. Miss.

Q. Miss. I direct your attention to May 1st, 1966, about 2:20 A.M. at 103 East 23rd Street. Would you tell the Court what, if anything, unusual took place there at that time?

A. I was standing in front of my door trying to get in my apartment Mr. McNeil came from across Calvert Street.

Q. Mr. who?

A. McNeil.

Q. Indicating the Defendant, Edward Lee McNeil, seated at trial table with defense counsel. What happened, please?

A. He came up to me and said, "Miss, you mean to tell me you live here and don't have a key?" He said, "Where's your husband?" I said, "Upstairs." Meantime, standing